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ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS

Post-United Nations Conference on Environment and Development institutional arrangements

Note by the Secretariat

1. At its 11th plenary meeting, on 30 June 1992, the Economic and Social Council decided to consider under agenda item 2 (Adoption of the agenda and other organizational matters), the question of post-United Nations Conference on Environment and Development institutional arrangements and requested the Secretariat to provide the required documentation.

2. Annexed to the present note is the text of chapter 38 of Agenda 21, entitled "International institutional arrangements", as adopted by the United Nations Conference on Environment and Development. The complete text of Agenda 21 will be issued at a later date in the report of the Conference, which is to be submitted to the General Assembly at its forty-seventh session.

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Annex

INTERNATIONAL INSTITUTIONAL ARRANGEMENTS*

Basis for action

38.1. The mandate of the United Nations Conference on Environment and Development emanates from General Assembly resolution 44/228, in which the Assembly, inter alia, affirmed that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries and that the promotion of economic growth in developing countries is essential to address problems of environmental degradation. The intergovernmental follow-up to the Conference process shall be within the framework of the United Nations system, with the General Assembly being the supreme policy-making forum that would provide overall guidance to Governments, the United Nations system and relevant treaty bodies. At the same time, Governments, as well as regional economic and technical cooperation organizations, have a responsibility to play an important role in the follow-up to the Conference. Their commitments and actions should be adequately supported by the United Nations system and multilateral financial institutions. Thus, national and international efforts would mutually benefit from one another.

38.2. In fulfilling the mandate of the Conference, there is a need for institutional arrangements within the United Nations system in conformity with, and providing input into, the restructuring and revitalization of the United Nations in the economic, social and related fields, and the overall reform of the United Nations, including ongoing changes in the Secretariat. In the spirit of reform and revitalization of the United Nations system, implementation of Agenda 21 and other conclusions of the Conference shall be based on an action- and result-oriented approach and consistent with the principles of universality, democracy, transparency, cost-effectiveness and accountability.

38.3. The United Nations system, with its multisectoral capacity and the extensive experience of a number of specialized agencies in various spheres of international cooperation in the field of environment and development, is uniquely positioned to assist Governments to establish more effective patterns of economic and social development with a view to achieving the objectives of Agenda 21 and sustainable development.

38.4. All agencies of the United Nations system have a key role to play in the implementation of Agenda 21 within their respective competence. To ensure

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* Chapter 38 of Agenda 21, as adopted by the United Nations Conference on Environment and Development.

proper coordination and avoid duplication in the implementation of Agenda 21, there should be an effective division of labour between various parts of the United Nations system based on their terms of reference and comparative advantages. Member States, through relevant governing bodies, are in a position to ensure that these tasks are carried out properly. In order to facilitate evaluation of agencies' performance and promote knowledge of their activities, all bodies of the United Nations system should be required to elaborate and publish reports of their activities concerning the implementation of Agenda 21 on a regular basis. Serious and continuous reviews of their policies, programmes, budgets and activities will also be required.

38.5. The continued active and effective participation of non-governmental organizations, the scientific community and the private sector, as well as local groups and communities, are important in the implementation of Agenda 21.

38.6. The institutional structure envisaged below will be based on agreement on financial resources and mechanisms, technology transfer, the Rio Declaration and Agenda 21. In addition, there has to be an effective link between substantive action and financial support, and this requires close and effective cooperation and exchange of information between the United Nations system and the multilateral financial institutions for the follow-up of Agenda 21 within the institutional arrangement.

Objectives

38.7. The overall objective is the integration of environment and development issues at national, subregional, regional and international levels, including in the United Nations system institutional arrangements.

38.8. Specific objectives shall be:

(a) To ensure and review the implementation of Agenda 21 so as to achieve sustainable development in all countries;

(b) To enhance the role and functioning of the United Nations system in the field of environment and development. All relevant agencies, organizations and programmes of the United Nations system should adopt concrete programmes for the implementation of Agenda 21 and also provide policy guidance for United Nations activities or advice to Governments, upon request, within their areas of competence;

(c) To strengthen cooperation and coordination on environment and development in the United Nations system;

(d) To encourage interaction and cooperation between the United Nations system and other intergovernmental and non-governmental subregional, regional and global institutions and non-governmental organizations in the field of environment and development;

(e) To strengthen institutional capabilities and arrangements required for the effective implementation, follow-up and review of Agenda 21;

(f) To assist in the strengthening and coordination of national, subregional and regional capacities and actions in the areas of environment and development;

(g) To establish effective cooperation and exchange of information between United Nations organs, organizations, programmes and the multilateral financial bodies, within the institutional arrangements for the follow-up of Agenda 21;

(h) To respond to continuing and emerging issues relating to environment and development;

(i) To ensure that any new institutional arrangements would support revitalization, clear division of responsibilities and the avoidance of duplication in the United Nations system and depend to the maximum extent possible upon existing resources.

INSTITUTIONAL STRUCTURE

A. General Assembly

38.9. The General Assembly, as the highest intergovernmental mechanism, is the principal policy-making and appraisal organ on matters relating to the follow-up of the Conference. The Assembly would organize a regular review of the implementation of Agenda 21. In fulfilling this task, the Assembly could consider the timing, format and organizational aspects of such a review. In particular, the Assembly could consider holding a special session not later than 1997 for the overall review and appraisal of Agenda 21, with adequate preparations at a high level.

B. Economic and Social Council

38.10. The Economic and Social Council, in the context of its role under the Charter vis-à-vis the General Assembly and the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields, would assist the General Assembly by overseeing system-wide coordination in the implementation of Agenda 21 and making recommendations in this regard. In addition, the Council would undertake the task of directing system-wide coordination and integration of environmental and developmental aspects of United Nations policies and programmes and would make appropriate recommendations to the General Assembly, specialized agencies concerned and Member States. Appropriate steps should be taken to obtain regular reports from specialized agencies on their plans and programmes related to the implementation of Agenda 21, pursuant to Article 64 of the Charter of the United Nations. The Economic and Social Council should organize a periodic

review of the work of the Commission on Sustainable Development envisaged in paragraph 38.11, as well as of system-wide activities to integrate environment and development, making full use of its high-level and coordination segments.

C. Commission on Sustainable Development

38.11. In order to ensure the effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress in the implementation of Agenda 21 at the national, regional and international levels, a high-level Commission on Sustainable Development should be established in accordance with Article 68 of the Charter of the United Nations. This Commission would report to the Economic and Social Council in the context of the Council's role under the Charter vis-à-vis the General Assembly. It would consist of representatives of States elected as members with due regard to equitable geographical distribution. Representatives of non-member States of the Commission would have observer status. The Commission should provide for the active involvement of organs, programmes and organizations of the United Nations system, international financial institutions and other relevant intergovernmental organizations, and encourage the participation of non-governmental organizations, including industry and the business and scientific communities. The first meeting of the Commission should be convened no later than 1993. The Commission should be supported by the secretariat envisaged in paragraph 38.19. Meanwhile the Secretary-General of the United Nations is requested to ensure adequate interim administrative secretariat arrangements.

38.12. The General Assembly, at its forty-seventh session, should determine specific organizational modalities for the work of this Commission, such as its membership, its relationship with other intergovernmental United Nations bodies dealing with matters related to environment and development, and the frequency, duration and venue of its meetings. These modalities should take into account the ongoing process of revitalization and restructuring of the work of the United Nations in the economic, social and related fields, in particular measures recommended by the General Assembly in resolutions 45/264 of 13 May 1991 and 46/235 of 13 April 1992 and other relevant Assembly resolutions. In this respect, the Secretary-General of the United Nations, with the assistance of the Secretary-General of the United Nations Conference on Environment and Development, is requested to prepare for the Assembly a report with appropriate recommendations and proposals.

38.13. The Commission on Sustainable Development should have the following functions:

(a) To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes and institutions

of the United Nations system dealing with various issues of environment and development, including those related to finance;

(b) To consider information provided by Governments, including, for example, information in the form of periodic communications or national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant;

(c) To review the progress in the implementation of the commitments contained in Agenda 21, including those related to provision of financial resources and transfer of technology;

(d) To receive and analyse relevant input from competent non-governmental organizations, including the scientific and private sectors, in the context of the overall implementation of Agenda 21;

(e) To enhance the dialogue, within the framework of the United Nations, with non-governmental organizations and the independent sector, as well as other entities outside the United Nations system;

(f) To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties;

(g) To provide appropriate recommendations to the General Assembly through the Economic and Social Council on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21;

(h) To consider, at an appropriate time, the results of the review to be conducted expeditiously by the Secretary-General of all recommendations of the Conference for capacity-building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and subregional levels.

38.14. Within the intergovernmental framework, consideration should be given to allowing non-governmental organizations, including those related to major groups, particularly women's groups, committed to the implementation of Agenda 21 to have relevant information available to them, including information, reports and other data produced within the United Nations system.

D. The Secretary-General

38.15. Strong and effective leadership on the part of the Secretary-General is crucial, since he/she would be the focal point of the institutional arrangements within the United Nations system for the successful follow-up to the Conference and for the implementation of Agenda 21.

E. High-level inter-agency coordination mechanism

38.16. Agenda 21, as the basis for action by the international community to integrate environment and development, should provide the principal framework for coordination of relevant activities within the United Nations system. To ensure effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to the Conference, there is a need for a coordination mechanism under the direct leadership of the Secretary-General.

38.17. This task should be given to the Administrative Committee on Coordination (ACC), headed by the Secretary-General. ACC would thus provide a vital link and interface between the multilateral financial institutions and other United Nations bodies at the highest administrative level. The Secretary-General should continue to revitalize the functioning of the Committee. All heads of agencies and institutions of the United Nations system shall be expected to cooperate with the Secretary-General fully in order to make ACC work effectively in fulfilling its crucial role and ensure successful implementation of Agenda 21. ACC should consider establishing a special task force, subcommittee or sustainable development board, taking into account the experience of the Designated Officials for Environmental Matters (DOEM) and the Committee of International Development Institutions on Environment (CIDIE), as well as the respective roles of UNEP and UNDP. Its report should be submitted to the relevant intergovernmental bodies.

F. High-level advisory body

38.18. Intergovernmental bodies, the Secretary-General and the United Nations system as a whole may also benefit from the expertise of a high-level advisory board consisting of eminent persons knowledgeable about environment and development, including relevant sciences, appointed by the Secretary-General in their personal capacity. In this regard, the Secretary-General should make appropriate recommendations to the General Assembly at its forty-seventh session.

G. Secretariat support structure

38.19. A highly qualified and competent secretariat support structure within the United Nations Secretariat, drawing, inter alia, on the expertise gained in the Conference preparatory process is essential for the follow-up to the Conference and the implementation of Agenda 21. This secretariat support structure should provide support to the work of both intergovernmental and inter-agency coordination mechanisms. Concrete organizational decisions fall within the competence of the Secretary-General as the chief administrative officer of the Organization, who is requested to report on the provisions to be made, covering staffing implications, as soon as practicable, taking into account gender balance as defined in Article 8 of the Charter of the United Nations and the need for the best use of existing resources in the context of the current and ongoing restructuring of the United Nations Secretariat.

H. Organs, programmes and organizations of the United Nations system

38.20. In the follow-up to the Conference, in particular the implementation of Agenda 21, all relevant organs, programmes and organizations of the United Nations system will have an important role within their respective areas of expertise and mandates in supporting and supplementing national efforts. Coordination and mutual complementarity of their efforts to promote integration of environment and development can be enhanced by encouraging countries to maintain consistent positions in the various governing bodies.

1. United Nations Environment Programme

38.21. In the follow-up to the Conference, there will be a need for an enhanced and strengthened role for UNEP and its Governing Council. The Governing Council should, within its mandate, continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective.

38.22. Priority areas on which UNEP should concentrate include the following:

(a) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;

(b) Promoting international cooperation in the field of environment and recommending, as appropriate, policies to this end;

(c) Developing and promoting the use of such techniques as natural resource accounting and environmental economics;

(d) Environmental monitoring and assessment, both through improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; strengthening and making operational its early-warning function;

(e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;

(f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;

(g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;

(h) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future;

(i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of specialized agencies of the United Nations system, and in connection with every significant economic development project or activity;

(j) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;

(k) Promotion of subregional and regional cooperation and support to relevant initiatives and programmes for environmental protection, including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to the Conference;

(l) Provision of technical, legal and institutional advice to Governments, upon request, in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;

(m) Support to Governments, upon request, and development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;

(n) Further developing assessment and assistance in cases of environmental emergencies.

38.23. In order to perform all of these functions, while retaining its role as the principal body within the United Nations system in the field of environment and taking into account the development aspects of environmental questions, UNEP would require access to greater expertise and provision of adequate financial resources and it would require closer cooperation and collaboration with development organs and other relevant organs of the United Nations system. Furthermore, the regional offices of UNEP should be strengthened without weakening its headquarters in Nairobi, and UNEP should take steps to reinforce and intensify its liaison and interaction with UNDP and the World Bank.

2. United Nations Development Programme

38.24. UNDP, like UNEP, also has a crucial role in the follow-up to the United Nations Conference on Environment and Development. Through its network of field offices it would foster the United Nations system's collective thrust in support of the implementation of Agenda 21, at the country, regional, interregional and global levels, drawing on the expertise of the specialized agencies and other United Nations organizations and bodies involved in operational activities. The role of the resident representative/resident coordinator of UNDP needs to be strengthened in order to coordinate the field-level activities of the United Nations operational activities.

38.25. Its role should include the following:

(a) Acting as the lead agency in organizing United Nations system efforts towards capacity-building at the local, national and regional levels;

(b) Mobilizing donor resources on behalf of Governments for capacity-building in recipient countries and, where appropriate, through the use of the UNDP donor round-table mechanisms;

(c) Strengthening its own programmes in support of follow-up to the Conference without prejudice to the Fifth Programme Cycle;

(d) Assisting recipient countries, upon request, in the establishment and strengthening of national coordination mechanisms and networks related to activities for the follow-up to the Conference;

(e) Assisting recipient countries, upon request, in coordinating the mobilization of domestic financial resources;

(f) Promoting and strengthening the role and involvement of women, youth and other major groups in recipient countries in the implementation of Agenda 21.

3. United Nations Conference on Trade and Development

38.26. UNCTAD should play an important role in the implementation of Agenda 21 as extended at its eighth session, taking into account the importance of the interrelationships between development, international trade and the environment and in accordance with its mandate in the area of sustainable development.

4. United Nations Sudano-Sahelian Office

38.27. The role of the United Nations Sudano-Sahelian Office (UNSO), with added resources that may become available, operating under the umbrella of UNDP and with the support of UNEP, should be strengthened so that it can assume an appropriate major advisory role and participate effectively in the implementation of Agenda 21 provisions related to combating drought and desertification and to land resource management. In this context, the experience gained could be used by all other countries affected by drought and desertification, in particular those in Africa, with special attention to countries most affected or classified as least developed countries.

5. Specialized agencies of the United Nations system and related organizations and other relevant intergovernmental organizations

38.28. All specialized agencies of the United Nations system, related organizations and other relevant intergovernmental organizations within their respective fields of competence have an important role to play in the implementation of relevant parts of Agenda 21 and other decisions of the Conference. Their governing bodies may consider ways of strengthening and adjusting activities and programmes in line with Agenda 21, in particular, regarding projects for promoting sustainable development. Furthermore, they may consider establishing special arrangements with donors and financial institutions for project implementation that may require additional resources.

I. Regional and subregional cooperation and implementation

38.29. Regional and subregional cooperation will be an important part of the outcome of the Conference. The regional commissions, regional development banks and regional economic and technical cooperation organizations, within their respective agreed mandates, can contribute to this process by:

(a) Promoting regional and subregional capacity-building;

(b) Promoting the integration of environmental concerns in regional and subregional development policies;

(c) Promoting regional and subregional cooperation, where appropriate, regarding transboundary issues related to sustainable development.

38.30. The regional commissions, as appropriate, should play a leading role in coordinating regional and subregional activities by sectoral and other United Nations bodies and shall assist countries in achieving sustainable development. The commissions and regional programmes within the United Nations system, as well as other regional organizations, should review the need for modification of ongoing activities, as appropriate, in light of Agenda 21.

38.31. There must be active cooperation and collaboration among the regional commissions and other relevant organizations, regional development banks, non-governmental organizations and other institutions at the regional level. UNEP and UNDP, together with the regional commissions, would have a crucial role to play, especially in providing the necessary assistance, with particular emphasis on building and strengthening the national capacity of Member States.

38.32. There is a need for closer cooperation between UNEP and UNDP, together with other relevant institutions, in the implementation of projects to halt environmental degradation or its impact and to support training programmes in environmental planning and management for sustainable development at the regional level.

38.33. Regional intergovernmental technical and economic organizations have an important role to play in helping Governments to take coordinated action in solving environment issues of regional significance.

38.34. Regional and subregional organizations should play a major role in the implementation of the provisions of Agenda 21 related to combating drought and desertification. UNEP, UNDP and UNSO should assist and cooperate with those relevant organizations.

38.35. Cooperation between regional and subregional organizations and relevant organizations of the United Nations system should be encouraged, where appropriate, in other sectoral areas.

J. National implementation

38.36. States have an important role to play in the follow-up of the Conference and the implementation of Agenda 21. National level efforts should be undertaken by all countries in an integrated manner so that both environment and development concerns can be dealt with in a coherent manner.

38.37. Policy decisions and activities at the national level, tailored to support and implement Agenda 21, should be supported by the United Nations system upon request.

38.38. Furthermore, States could consider the preparation of national reports. In this context, the organs of the United Nations system should, upon request, assist countries, in particular developing countries. Countries could also consider the preparation of national action plans for the implementation of Agenda 21.

38.39. Existing assistance consortia, consultative groups and round tables should make greater efforts to integrate environmental considerations and related development objectives into their development assistance strategies and should consider reorienting and appropriately adjusting their memberships and operations to facilitate this process and better support national efforts to integrate environment and development.

38.40. States may wish to consider setting up a national coordination structure responsible for the follow-up of Agenda 21. Within this structure, which would benefit from the expertise of non-governmental organizations, submissions and other relevant information could be made to the United Nations.

K. Cooperation between United Nations bodies and international financial organizations

38.41. The success of the follow-up to the Conference is dependent upon an effective link between substantive action and financial support, and this requires close and effective cooperation between United Nations bodies and the multilateral financial organizations. The Secretary-General and heads of United Nations programmes, organizations and the multilateral financial organizations have a special responsibility in forging such cooperation, not only through the United Nations high-level coordination mechanism (Administrative Committee on Coordination) but also at regional and national levels. In particular, representatives of multilateral financial institutions and mechanisms, as well as IFAD, should actively be associated with deliberations of the intergovernmental structure responsible for the follow-up to Agenda 21.

L. Non-governmental organizations

38.42. Non-governmental organizations and major groups are important partners in the implementation of Agenda 21. Relevant non-governmental organizations, including the scientific community, the private sector and women's groups, should be given opportunities to make their contributions and establish appropriate relationships with the United Nations system. Support should be provided for developing countries' non-governmental organizations and their self-organized networks.

38.43. The United Nations system, including international finance and development agencies, and all intergovernmental organizations and forums should, in consultation with non-governmental organizations, take measures to:

(a) Design open and effective means to achieve the participation of non-governmental organizations, including those related to major groups, in the process established to review and evaluate the implementation of Agenda 21 at all levels and promote their contribution to it;

(b) Take into account the findings of review systems and evaluation processes of non-governmental organizations in relevant reports of the Secretary-General to the General Assembly and all pertinent United Nations agencies and intergovernmental organizations and forums concerning implementation of Agenda 21 in accordance with the review process.

38.44. Procedures should be established for an expanded role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used in the Conference. Such organizations should have access to reports and other information produced by the United Nations system. The General Assembly, at an early stage, should examine ways of enhancing the involvement of non-governmental organizations within the United Nations system in relation to the follow-up process of the Conference.

38.45. The Conference takes note of other institutional initiatives for the implementation of Agenda 21, such as the proposal to establish a non-governmental Earth Council and the proposal to appoint a guardian for future generations, as well as other initiatives taken by local governments and business sectors.